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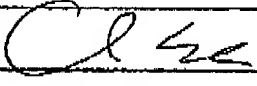
NO. 6846 P. 1  
(Modified) P. 1/2/21 (0-00)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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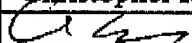
|   |                      |                        |           |
|---|----------------------|------------------------|-----------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number   | 09/373,333             |           |
|   | Filing Date          | August 12, 1999        |           |
|   | First Named Inventor | Subramanian            |           |
|   | Group Art Unit       | 1655                   |           |
|   | Examiner Name        | D. Johannsen           |           |
| Total Number of Pages in This Submission  | 25                   | Attorney Docket Number | 113.410US |

| ENCLOSURES (check all that apply)  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):<br>Copy of IDS IDS originally filed April 5, 2002 |
| Authorization to Charge Deposit Account<br>Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.  |   |  |
| Remarks  |   |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |   |  |  |
|-------------------------|---|--|--|
| Firm or Individual name | Christopher M. Holman Reg. No. 40,021   |  |  |
| Signature               |  |  |  |
| Date                    | July 2, 2002  |  |  |

## CERTIFICATE OF FACSIMILE TRANSMITTAL

|   |   |      |              |
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| I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office (Fax No. (703)872-9306) on this date: July 2, 2002 |   |      |              |
| Typed or printed name   | Christopher M. Holman   |      |              |
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NO. 6846 P. 4

PATENT  
Atty. Docket No: 0113.410US  
USSN 09/373,333

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Subramanian et al.

Application No.: 09/373,333

Filed: August 12, 1999

For: DNA Shuffling to Produce Herbicide  
Selective Crops

Examiner: D. Johannsen

Art Unit: 1655

**AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed March 18, 2002, Applicants respectfully request reconsideration of the above-referenced patent application in view of the following amendments and remarks. The following documents are enclosed herewith:

- 1) A petition to extend the period of response for one month, extending the period for response through the present date; and
- 2) A copy of a 1449 form originally filed April 5, 2000.

In an interview summary prepared on July 2, 2002, the Examiner indicated that she was unable to locate the above-referenced 1449, but that she did locate a cover sheet that had accompanied it as well as several references not listed on any of the other 1449s in the file, and asked applicants' representative to provide a copy of the 1449 with this response. If the Examiner does not have a copy of any of the references cited on the 1449, she is requested to inform Applicant and any missing copies will be re-submitted.

**IN THE CLAIMS:**

Please amend claims 4 and 65 as follows:

4. (thrice amended) A method of obtaining a recombinant herbicide tolerance nucleic acid that encodes an herbicide toleranc polypeptid , wherein expression of the herbicide